

REMARKS

Claims 2-30 are now in this application. Claims 2-21 are rejected. Claim 1 is previously cancelled. New claims 22-30 are added. Claims 15, 16, 20 and 21 are amended herein to clarify the invention.

Applicant herein traverses and respectfully requests reconsideration of the rejection of the claims and objections cited in the above-referenced Office Action.

The Examiner objects to the drawings under 37 C.F.R. § 1.84(p)(5) for failing to depict the reference numeral 53G described in the specification in Fig. 12. The specification has been amended to correctly identify “53G” instead as “53C”, the latter being depicted and identified in Fig. 12. In view of this correction in the specification, no drawing correction is necessary, and reconsideration of the objection to the drawings is earnestly solicited.

The Office Action states that the specification is objected to for various informalities. The specification is amended to correct various typographical, grammatical and idiomatic informalities including those noted in the Office Action. No new matter is added. Withdrawal of the objection is respectfully solicited.

Claims 2, 15 and 21 are rejected under 35 U.S.C. § 102(b) as being anticipated by Eisenbrey et al. (US 5,516,105). Applicant herein respectfully traverses these rejections.

For a rejection to be sustained under §102(b) each and every element of the claimed invention must be disclosed in the cited prior art reference. It is respectfully submitted that the cited reference fails to disclose at least the following features and elements of the present invention as noted herein.

Each of independent claims is amended, and recites that a first sensor generates a first signal in response to a hitting motion when an impact is sensed, the first signal being indicative of a change in a state of the signal generating device being moved by the game player from one location to another by movement of the signal generating device retained by the game player, wherein the change in the state is measured as a difference other than a change in velocity of the first sensor when at the two locations.

In accordance with the claimed invention of each of the independent claims, including rejected claims 15 and 21, a signal generating device of the present invention has two motion detecting sensors for detecting an acceleration and an impact motion, independently. While the most relevant structure of Eisenbrey et al., shown in Fig. 6 of the reference, discloses two acceleration activated sensors, the presently claimed invention differs by providing one sensor (claimed second sensor) which detects an acceleration, and another sensor (claimed first sensor) which detects an impact by measuring something other than acceleration.

Claims 15 and 21 are amended and particularly describe and distinctly claim elements not disclosed in the cited reference. Claim 2 depends from claim 21, and

therefore also includes the noted element lacking in Eisenbrey et al.. Therefore, reconsideration of the rejections of claims 2, 15 and 21 and their allowance are respectfully requested.

Claims 3-14 and 16-20 are rejected as obvious over Sagawa et al. (EP 0,903,169) in view of Eisenbrey et al. under 35 U.S.C. §103(a). The applicant herein respectfully traverses this rejection. For a rejection under 35 U.S.C. §103(a) to be sustained, the differences between the features of the combined references and the present invention must be obvious to one skilled in the art.

It is respectfully submitted that the proffered combination of references cannot render the rejected claims obvious (independent claims 16 and 20, claims 3-14 depending from independent claim 21, and claims 17-19 depending from independent claim 15) because the Sagawa et al. reference does not provide the teaching noted above with respect to the anticipation rejection that is absent from the Eisenbrey et al. reference. Thus, the combination of prior art references fails to teach or suggest all the claim limitations. Therefore, reconsideration of the rejections of claims 3-14 and 16-20 and their allowance are respectfully requested.

Nine (9) further claims in excess of twenty are added. Accordingly, please charge the fee of \$162 to Deposit Account No. 10-1250.

Applicant respectfully requests a one (1) month extension of time for responding to the Office Action. Please charge the fee of \$110 for the extension of time to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited. Please charge any deficiency or credit any overpayment to Deposit Account No. 10-1250.

Respectfully submitted,
JORDAN AND HAMBURG LLP

By Frank J. Jordan by.
Frank J. Jordan
Reg. No. 20,456
Attorney for Applicant

Jordan and Hamburg LLP
122 East 42nd Street
New York, New York 10168
(212) 986-2340

James J. O'Shea
Reg No. 36,049